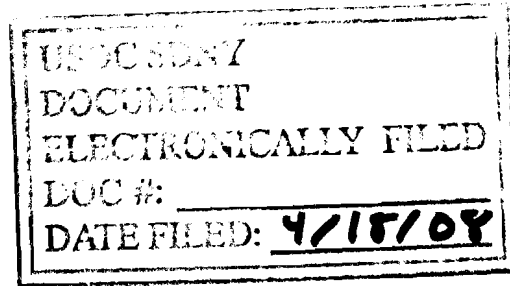


Norris
McLaughlin
& Marcus, P.A.
ATTORNEYS AT LAW



April 18, 2008

By Facsimile (212-805-6717)
Honorable Richard M. Berman
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED
P.2

Re: Tri-State Biodiesel, LLC v. Environmental Energy Recycling Corp,
LLC; Docket No 08 CV 2997 (RMB)

Dear Judge Berman:

Please be advised that my firm was retained today to represent Environmental Energy Recycling Corp., LLC, which is the defendant in the above- captioned case. Please also accept this letter, which I hope is consistent with your rules, as my request for adjournment of the case management conference now scheduled for Monday, April 21, 2008 at 9:15 am. My firm was retained today to represent the defendant. We were also advised that our client received service of the complaint on Friday of last week. At that time, however, the client did not fully appreciate the nature of the filing. It did forward the documents to counsel in Pennsylvania who, of course, recognized the nature of the action and contacted my firm. In the interim, (specifically, on Friday of last week) the principal of the defendant corporation left his state of residence for a previously scheduled trip to California where he is today. I was able to reach him and spoke to him by phone there and confirmed my firm's retention. I also explained the nature of the legal action now pending before this court. I was not however, able to review in great detail with him the details of the underlying dispute, possible counter-claims, additional parties and necessary discovery. I also obviously, have had the opportunity to speak with plaintiffs' counsel to review possibilities for informal resolution of the dispute.

For each of these reasons, I don't believe that I could appropriately complete the case management plan as intended by Your Honor's rules and don't believe that I

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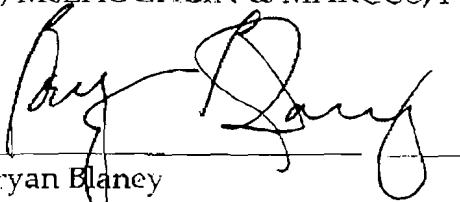
Honorable Richard M. Berman
April 18, 2008
Page 2

would be able adequately to represent my client at the case management conference this Monday. I have contact plaintiff's counsel, Joshua A Sabo, Esq. regarding my request for adjournment, and have obtained his consent to it. Accordingly, I request a two week adjournment of the case management conference during which time I will have opportunity to meet with my client, conference with plaintiffs' counsel and adequately prepare a case management plan.

Respectfully submitted,


NORRIS, McLAUGHLIN & MARCUS, PA

By:


Bryan Blaney

BB:lw
Enclosures

cc: Joshua A. Sabo, Esq.
Ralph Tammaso
Dolores A. Laputka, Esq.

ADJOURNED TO 5/5/08 AT	
9:00 A.M.	
SO ORDERED:	
Date: 4/18/08	
Richard M. Berman, U.S.D.J.	

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